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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,565	06/19/2001	Kozo Kawakita	450108-02368	1859

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

LUK, LAWRENCE W

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,565

Applicant(s)

KAWAKITA, KOZO

Examiner

Lawrence Luk

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,12,13,15,16,23,24,26,28,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 3,6-11,14,17-22,25,27 and 29-34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 12, 13, 15, 16, 23, 24, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi et al. (5,959,423).

In regard to claims 1, 12, 23 and 26, Nakanishi et al. discloses a robot apparatus on which a charging battery is mounted (refer to col.12, line 9), and a charging device for charging said charging battery mounted on said robot apparatus (refer to col.12, lines10-14), characterized in that said robot apparatus performs a predetermined movement in accordance with an amount of charging in said charging battery on charging said charging battery using said charging device (refer to col.7, lines 8-16).

In regard to claims 2, 13 and 24, Nakanishi et al. shows a robot apparatus has a movable portion (refer to col.3, lines 51-54) and said predetermined movement is a movement to move said movable portion (refer to col.7, lines10-15).

In regard to claims 4, 5, 15, 16 and 28, Nakanishi et al. teaches that predetermined movement is a movement to notify of completion of charging of said charging battery and characterized in that said predetermined movement is a continuous movement (refer to col.7, lines 8-15).

Art Unit: 2838

3. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Colens (5,787,545).

In regard to claim 36, Colens shows a movement generating means for generating a movement, detection means for detecting that a predetermined area is rocked and control means for controlling said movement generating means (refer to col.4, lines 47-51), characterized in that when it is recognized that said predetermined area is rocked on the basis of detection result of said detection means in a state in which generation of said movement is stopped, said control means controls said movement generating means to start generation of said movement (refer to col.5, lines 19-34).

In regard to claim 37, Colens discloses a recording medium on which is recorded a program for charging a charging battery mounted on a robot apparatus by causing said robot apparatus (computer; recording medium, refer to col.4, lines 43-51), on charging said charging battery, to perform a predetermined movement in accordance with an amount of charging of said charging battery (refer to col.3, lines 20-23).

Allowable Subject Matter

4. Claims 3, 6-11, 14, 17-22, 25, 27 and 29-34 are objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that: Claims 3, 14, 25 and 27, characterized in that said predetermined movement is a movement to change a pose of said robot apparatus from a first pose during charging to

a second pose to notify of completion of charging by moving said movable portion at completion of charging of said charging battery. Claims 6, 17 and 29, characterized in that said robot apparatus has a head, and said predetermined movement is a movement to raise said head. Claims 7, 18 and 30, characterized in that said robot apparatus has forelegs and hind legs, and said predetermined movement is a movement to lift said forelegs. Claims 8, 19 and 31, characterized in that said robot apparatus has a tail, and said predetermined movement is a movement to wag said tail. Claims 9, 20 and 32, characterized in that said robot apparatus has legs, and said predetermined movement is a movement to raise said legs. Claims 10, 21 and 33, characterized in that said robot apparatus has a speaker, and said predetermined movement is a movement to make a sound through said speaker. Claims 11, 22 and 34, , characterized in that said robot apparatus has voice generating means for generating a predetermined voice and a speaker, and said predetermined movement is a movement to output said voice generated by said voice generating means through said speaker. Claims 3, 6-11, 14, 17-22, 25, 27 and 29-34 would be allowable if rewritten in independent from including all of the limitations of the base claim.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Luk whose telephone number is (703)305-0617. The examiner can normally be reached on 7 a.m. to 5 p.m..

Art Unit: 2838

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (703) 308-1680. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7724 for regular communications and (703)305-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

LWL
May 12, 2003

Lawrence Ruble
examiner
5/12/03